

BILL ANALYSIS

S.B. 875
By: Eltife
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Recent reports indicate that plastic bulk merchandise containers have become a target for thieves because these containers can be resold for cash to individuals who are in the business of recycling, shredding, or destroying the containers. The reports further indicate that thefts of these containers continue to rise and that this growing problem is costly to the companies that use these containers to transport their products.

S.B. 875 seeks to deter this type of theft by prohibiting certain individuals from purchasing plastic bulk merchandise containers with cash and by requiring records to be kept on the method of payment.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 875 amends the Business & Commerce Code, in a provision requiring a person who is in the business of recycling, shredding, or destroying plastic bulk merchandise containers to verify the identity of the seller or the seller's representative by means of photo identification before purchasing five or more such containers from the same person, to add the option of verifying in a manner determined by the purchaser that the individual is acting on behalf of a corporation, business, government, or governmental subdivision or agency.

S.B. 875 prohibits a person who is in the business of recycling, shredding, or destroying plastic bulk merchandise containers and who purchases a plastic bulk merchandise container from an individual, unless the person verifies in a manner determined by the purchaser that the individual is acting on behalf of a corporation, business, government, or governmental subdivision, from paying for the purchase of any plastic bulk merchandise container with cash and requires the person, for each transaction in which the person purchases one or more plastic bulk merchandise containers, to record the method of payment used to purchase the containers. The bill requires the record to be attached to a verification record made or obtained from the seller under provisions governing the sale of five or more plastic bulk merchandise containers by the same person, if such a record is required. The bill specifies that a person who violates these method of payment and record keeping provisions is liable to the state for a civil penalty of up to \$10,000 for each violation, with each cash transaction made in violation of the provisions constituting a separate violation. The bill requires the court to consider the amount necessary to deter future violations in determining the amount of the civil penalty.

S.B. 875 authorizes the attorney general or appropriate prosecuting attorney to inspect a record retained by a person under provisions relating to the requirements applicable to the sale of plastic bulk merchandise containers.

EFFECTIVE DATE

September 1, 2013.